

AMENDED IN SENATE JULY 15, 2009

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN ASSEMBLY MAY 28, 2009

AMENDED IN ASSEMBLY MAY 14, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1328

Introduced by Assembly Member Salas

February 27, 2009

An act to add Section 1353.9 to the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 1328, as amended, Salas. Common interest developments: contracts.

The Davis-Stirling Common Interest Development Act provides for the creation and regulation of common interest developments. Under existing law, a common interest development is managed by an association pursuant to the provisions of the governing documents of the development.

This bill would provide that, notwithstanding any provision of the governing documents to the contrary, an association may enter into a contract for a water or energy efficiency program, not to exceed 5 years in duration, if the board of *directors* reasonably anticipates that the contract will result in verifiable savings to the association and the supplier is not an entity that the subdivider has a direct or indirect

interest in, as provided. *This bill would also provide that, prior to approving a multiyear contract, the board shall provide notice of the proposed duration of the contract on the agenda for any meeting at which the contract will be discussed or voted on.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1353.9 is added to the Civil Code, to
2 read:

3 1353.9. (a) Notwithstanding any provision of the governing
4 documents to the contrary, an association may enter into a contract
5 for a water or energy efficiency program, not to exceed five years
6 in duration, if the board reasonably anticipates that the contract
7 will result in verifiable savings to the association and the supplier
8 is not an entity that the subdivider, if the subdivider still has
9 representation on the board, has a direct or indirect ownership
10 interest in of 10 percent or more.

11 (b) *Prior to approving a multiyear contract for a water or*
12 *energy efficiency program pursuant to subdivision (a), the board*
13 *of directors shall provide notice of the proposed duration of the*
14 *contract on the agenda for any meeting at which the contract will*
15 *be discussed or voted on.*